

Appl. No. 09/994,873  
Amdt. dated May 27, 2004  
Reply to Office Action of Feb. 2, 2004  
Page 13

### REMARKS

In accordance with the foregoing, the specification, claims 1, 9, 17, 21, 22, 39, 46 and 53 have been amended, claims 5, 13, 35-38, 43, 45, 50 and 60-68 have been canceled without prejudice or disclaimer of the subject matter contained therein, and new claims 69 and 70 have been added. Claims 1-4, 6-12, 14-34, 39-42, 44-49, 51-59, 69 and 70 are pending and under consideration.

Claims 1-68 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 4,928,688 to Mower ("Mower"). The rejection is respectfully traversed.

According to the present invention, as described in reference to FIG. 8, for example, the present invention inhibits delivery of a pacing therapy if an escape interval associated with delivery of the therapy terminates near the end of the timing window. As a result, independent claims 1, 9, 17, 22, 39, 46 and 53 are directed to inhibiting delivery of a pacing therapy subsequent to termination of an escape interval during a timing window.

In addition, according to the present invention, as described, for example, in reference to FIG. 10, the intrinsic inhibition window may be set for a patient by beginning with a narrow window and subsequently increasing the window after a period of monitoring. As a result, independent claim 30 is directed to sensing, in a first monitoring period, at least one electrical signal with a first electrode, commencing a timing window having a first duration and recording the electrical signal as an invalid sense when a second electrode fails to sense the electrical signal in the timing window having the first duration, and sensing, in a second monitoring period, at least one electrical signal with the first electrode and commencing a timing window having a second duration.

Mower does not teach or suggest inhibiting delivery of a pacing therapy subsequent to termination of an escape interval during a timing window, as set forth in independent claims 1, 9, 17, 22, 39, 46 and 53. Nor does Mower teach or suggest sensing, in a first monitoring period, at least one electrical signal with a first electrode, commencing a timing window having a first duration and recording

Appl. No. 09/994,873  
Amdt. dated May 27, 2004  
Reply to Office Action of Feb. 2, 2004  
Page 14

the electrical signal as an invalid sense when a second electrode fails to sense the electrical signal in the timing window having the first duration, and sensing, in a second monitoring period, at least one electrical signal with the first electrode and commencing a timing window having a second duration, as set forth in Independent claim 30. Therefore, claims 1-4, 6-12, 14-34, 39-42, 44-49 and 51-59 are patentably distinguishable from Mower. Accordingly, it is respectfully requested that the rejections be withdrawn.

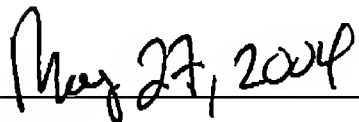
New claims 69 and 70 have been added. Support for new claims 69 and 70 can be found, for example, at page 20, lines 26-31 in reference to FIG. 8. No new matter has been added. Accordingly, entry and consideration of new claims 69 and 70 is respectfully requested.

There being no further outstanding objections or rejections, It is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

Gustaaf A.P. Stoop, et al.

  
Date



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